

2013 DRAFTING REQUEST

Bill

Received: 1/16/2013 Received By: jkreye
 Wanted: As time permits Same as LRB:
 For: Alvin Ott (608) 266-5831 By/Representing: erin
 May Contact: Drafter: jkreye
 Subject: Elections - miscellaneous Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Ott@legis.wisconsin.gov
 Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Recall petition requirements

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 1/16/2013						
/1		kfollett 1/31/2013	rschluet 2/1/2013		srose 2/1/2013	mbarman 2/12/2013	

FE Sent For:

→ Not Needed

<END>

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/?	jkreye	115F 1131	2/13	3/13			

FE Sent For:

<END>

SRM

3pm

Bill Draft Request

Date: 1-8-13

Legislator Requesting Draft: Rep. Al Ott

Person Submitting Request: Erin Ruby – Research Assistant

Person to Contact with Questions: Erin Ruby (6-5831)

Drafting Request:

Representative Ott would like to request a bill draft to modify the petition requirements under Sec. 9.10(2) (b) and (d) of Wis. Statutes.

The current language in Sec. 9.10 (2) (b) and (d) states the recall petition must contain, "a statement of a reason for the recall which is related to the official responsibilities of the official for whom removal is sought."

Representative Ott requests the above language in both (b) and (d) be stricken and replaced with the following: **a statement specifying the officer has been charged with a crime, or against whom a finding of probable cause of violation of the code of local ethics under Sec. 19.59 of Wis. Statutes has been made.**

instead "has been charged with a violation..."

This new language is intended to parallel the language proposed for recall of state elected officials in 2011 AJR 63. — *implementation issues*

Further, it appears the term "office" in Sec. 9.10 (2) (b) should perhaps be replaced with the term "officer" to provide consistency within the section and to make the proposed change work.

Feel free to call with any questions or concerns.

Thank you!

3231
~ under an ordinance
adopted under s. 19.59
on actual professional
charge under s. 19.59
(1)(c)?

"cause" is under ch. 17 — the old law

suggested language works only for the state (not within the scope of this request)
if the DA charges, there will be a paper trail
— has to establish probable cause to charge → takes care of the "probable cause" problem
a 3rd party independent decision
— documentation / complaint filed with the relevant
criminal complaint a civil complaint tied to the code of ethics



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1188/1

JK: [signature]

2013 BILL

in 1-16-13

Gen

1 AN ACT ...; relating to: recall petition requirements.

Analysis by the Legislative Reference Bureau

Under current law, a petition for the recall of a city, village, town, town sanitary district, or school district officer, in addition to other requirements, must indicate a reason for the recall that is related to the officer's official responsibilities. Under this bill, any person who wishes to circulate a petition for the recall of a city, village, town, town sanitary district, or school district officer must include with the person's registration under the campaign finance laws a statement indicating that the officer for whom the recall is sought has been charged with committing a crime or violating a code of ethics law applicable to local officials. The person must also include a copy of the criminal or civil complaint alleging the crime or violation.

lps: check spacing

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 9.10 (2) (b) of the statutes is amended to read:

3 9.10 (2) (b) A recall petition for a city, village, town, town sanitary district, or
4 school district office officer shall contain a statement of a reason for the recall which
5 is related to the official responsibilities of indicating that the official for whom
6 removal is sought has been charged with committing a crime as defined under s.

BILL

SECTION 1

1 939.12, violating s. 19.59[✓] (1), or violating a local ordinance establishing a local code[✓]
2 of ethics, as provided under s. 19.59[✓] (1m).

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109; 2005 a. 451; 2007 a. 56.

3 **SECTION 2.** 9.10 (2) (d) of the statutes is amended to read:

4 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
5 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
6 filing officer with whom the petition is filed. The petitioner shall append to the
7 registration a statement indicating his or her intent to circulate a recall petition, the
8 name of the officer for whom recall is sought and, in the case of a petition for the recall
9 of a city, village, town, town sanitary district, or school district officer, a statement
10 ~~of a reason for the recall which is related to the official responsibilities of~~ indicating
11 that the official for whom removal is sought has been charged with committing a
12 crime² as defined under s. 939.12, violating s. 19.59[✓] (1), or violating a local ordinance[✓]
13 establishing a local code of ethics, as provided under s. 19.59[✓] (1m), and a copy of the
14 criminal or civil complaint alleging the crime or violation. No petitioner may
15 circulate a petition for the recall of an officer prior to completing registration. The
16 last date that a petition for the recall of an officer may be offered for filing is 5 p.m.
17 on the 60th day commencing after registration. After the recall petition has been
18 offered for filing, no name may be added or removed. No signature may be counted
19 unless the date of the signature is within the period provided in this paragraph.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182; 2001 a. 109; 2005 a. 451; 2007 a. 56.

20

(END)

Basford, Sarah

From: Ruby, Erin
Sent: Tuesday, February 12, 2013 8:34 AM
To: LRB.Legal
Subject: Draft Review: LRB -1188/1 Topic: Recall petition requirements

Please Jacket LRB -1188/1 for the ASSEMBLY.